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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,325	01/31/2002	Hideki Akiyama	0505-0949P	5566

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EXAMINER

TORRES, MELANIE

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/059,325	<b>Applicant(s)</b> AKIYAMA ET AL.	
	<b>Examiner</b> Melanie Torres	<b>Art Unit</b> 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-11,14-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,14-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: In the cancelled portion of claim 1 filed December 20, 2005, "so as" appears to have been inadvertently not cancelled. Appropriate correction is required in order to clarify the claim.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 recites the broad recitation "wherein said shock absorbing member a concave-shaped rear peripheral wall mounted fitted a convex-shaped wall of the front cover", and the claim also recites "wherein a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover" in claim 9 from which claim 19 depends which is the narrower statement of the range/limitation. The narrow limitation in claim 10 followed by the broader limitation in claim 19 renders the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Shiratsuchi.

Re claims 1, 9, 19, and 24, Theobald teaches a shock absorbing structure (12) for a two-wheeled vehicle including a shock absorbing member projecting from a vehicular body (7), wherein shock is absorbed by crashing the shock absorbing member comprising a front end of the shock absorbing located in front of a front wheel (2), an upper end of the shock absorbing member located at such a position that the upper end of the shock absorbing member does not block a forward viewing area for the driver, a center of a leading end contact surface of the shock absorbing member located at a position higher than a vertical position of a center of gravity of both the vehicle and the driver and wherein right and left side surfaces of the shock absorbing member are offset to a center of a vehicular body from right and left side surfaces of the vehicular body, wherein the upper end includes a forward section with an inclined upper surface for permitting the forward viewing area of the operator to be unobstructed.

Theobald further does not teach wherein the shock absorbing member is mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover wherein a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover.

Shiratsuchi teaches a curved front cover. (Figure 1) It would have been obvious to one of ordinary skill in the art to mount the shock absorbing member on the front cover of Shiratsuchi in order to allow for additional impact protection to the driver. Further, it would have been an obvious matter of design choice to have included a rear peripheral

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wall that is curved into a shape to follow that of the front cover wherein a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover in order to facilitate attachment and to improve the aesthetic appearance. See MPEP 2144.04, IV, B – In re Dailey, 357 F.2d. 669, 149 USPQ 47 (CCPA 1966).

6. Claims 2, 5, 6, 7, 10, 14, 15, 16, 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Shiratsuchi as applied above and further in view of Martinez et al.

Re claims 2, 5, 6, 7, 10, 14, 15, 16, 20-23 and 25, Theobald as modified does not teach wherein the shock absorbing member includes a plurality of reinforcing ribs arranged to extend at substantially right angles to the shock to be absorbed. Martinez et al. teach a shock absorbing member including a plurality of reinforcing ribs (9) having lengths extending substantially in a vertical direction with respect to the vehicular body so as to be arranged at substantially right angles to the shock to be absorbed. (See figures 1 and 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the reinforcing ribs of Martinez et al. in the shock absorbing structure of Theobald in order to provide additional impact absorption of the apparatus. wherein the plurality of reinforcing ribs form substantially triangular shapes within each of the plurality of sections. It would have been obvious to modify Theobald by having triangular reinforcing ribs since applicant has not disclosed that having the specific shape solves any stated problem or is for any particular purpose and

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it appears that the invention would perform equally well with a variety of different shapes as is well known in the art. (e.g. Martinez et al., Column 4, lines 17-19)

Re claims 7, 16, 21 and 22, Theobald as modified does not teach wherein the plurality of reinforcing ribs form substantially triangular shapes within each of the plurality of sections. It would have been obvious to modify Theobald by having triangular reinforcing ribs since applicant has not disclosed that having the specific shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a variety of different shapes as is well known in the art. (e.g. Martinez et al., Column 4, lines 17-19) Additionally, re claims 21 and 22, Theobald as modified above teaches wherein the plurality of reinforcing ribs are arranged to form spaces having cross sections that are substantially triangular shaped and trapezoidal shaped as a structure with triangular shapes would inherently contain trapezoidal shapes when two triangles are viewed in combination to the same extent as applicant's invention.

Re claim 23, Theobald as modified teaches wherein the inclined upper surface of the top wall causes reinforcing ribs at a forward end of the shock absorbing member to have a height that is shorter than the reinforcing ribs at the rear of the shock absorbing member. Theobald teaches an inclined upper surface of the top wall and as combined with Martinez et al. would teach shorter reinforcing ribs.

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7. Claims 3, 5, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Shiratsuchi and Martinez et al. as applied above and further in view of Casse.

Re claims 3, 5, 11, and 14, Theobald as modified does not teach wherein the plurality of reinforcing ribs includes ribs with partially thinned sections for facilitating the absorption of shock or wherein the ribs are bilaterally symmetric. Casse teaches wherein the plurality of reinforcing ribs includes ribs with partially thinned sections (e1) for facilitating the absorption of shock and wherein the ribs are bilaterally symmetric. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the partially thinned sections of Casse in the invention of Theobald since it is well known that such a construction facilitates impact absorption. (See Abstract)

8. Claims 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald as modified above in view of Brumby.

Re claims 8, and 17, Theobald as modified does not teach a shock absorbing member formed from resin. Brumby teaches a shock absorbing member (11) formed from resin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the shock absorbing member of Theobald from resin as taught by Brumby since it is well known in the art that impact shock absorbers are formed from resin for its molding properties.

***Response to Arguments***

9. Applicant's arguments filed December 20, 2005 have been fully considered but they are not persuasive. As discussed above and in MPEP 2144.04 B., changes in shape are a matter of choice which a person of ordinary skill in the art would have found obvious. Additionally, Applicant has not provided persuasive evidence that the particular configuration of the shock absorber is significant.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT  
March 2, 2006

*Melanie Torres*  
Melanie Torres  
Primary Examiner  
3-2-06